



Rep. Frank J. Mautino

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09900SB1562ham002

LRB099 06087 KTG 39637 a

1 AMENDMENT TO SENATE BILL 1562

2 AMENDMENT NO. _____. Amend Senate Bill 1562, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Emergency Medical Services (EMS) Systems
6 Act is amended by changing Section 32.5 as follows:

7 (210 ILCS 50/32.5)

8 Sec. 32.5. Freestanding Emergency Center.

9 (a) The Department shall issue an annual Freestanding
10 Emergency Center (FEC) license to any facility that has
11 received a permit from the Health Facilities and Services
12 Review Board to establish a Freestanding Emergency Center by
13 January 1, 2015, and:

14 (1) is located: (A) in a municipality with a population
15 of 50,000 or fewer inhabitants; (B) within 50 miles of the
16 hospital that owns or controls the FEC; and (C) within 50

1 miles of the Resource Hospital affiliated with the FEC as
2 part of the EMS System;

3 (2) is wholly owned or controlled by an Associate or
4 Resource Hospital, but is not a part of the hospital's
5 physical plant;

6 (3) meets the standards for licensed FECs, adopted by
7 rule of the Department, including, but not limited to:

8 (A) facility design, specification, operation, and
9 maintenance standards;

10 (B) equipment standards; and

11 (C) the number and qualifications of emergency
12 medical personnel and other staff, which must include
13 at least one board certified emergency physician
14 present at the FEC 24 hours per day.

15 (4) limits its participation in the EMS System strictly
16 to receiving a limited number of BLS runs by emergency
17 medical vehicles according to protocols developed by the
18 Resource Hospital within the FEC's designated EMS System
19 and approved by the Project Medical Director and the
20 Department;

21 (5) provides comprehensive emergency treatment
22 services, as defined in the rules adopted by the Department
23 pursuant to the Hospital Licensing Act, 24 hours per day,
24 on an outpatient basis;

25 (6) provides an ambulance and maintains on site
26 ambulance services staffed with paramedics 24 hours per

1 day;

2 (7) (blank);

3 (8) complies with all State and federal patient rights
4 provisions, including, but not limited to, the Emergency
5 Medical Treatment Act and the federal Emergency Medical
6 Treatment and Active Labor Act;

7 (9) maintains a communications system that is fully
8 integrated with its Resource Hospital within the FEC's
9 designated EMS System;

10 (10) reports to the Department any patient transfers
11 from the FEC to a hospital within 48 hours of the transfer
12 plus any other data determined to be relevant by the
13 Department;

14 (11) submits to the Department, on a quarterly basis,
15 the FEC's morbidity and mortality rates for patients
16 treated at the FEC and other data determined to be relevant
17 by the Department;

18 (12) does not describe itself or hold itself out to the
19 general public as a full service hospital or hospital
20 emergency department in its advertising or marketing
21 activities;

22 (13) complies with any other rules adopted by the
23 Department under this Act that relate to FECs;

24 (14) passes the Department's site inspection for
25 compliance with the FEC requirements of this Act;

26 (15) submits a copy of the permit issued by the Health

1 Facilities and Services Review Board indicating that the
2 facility has complied with the Illinois Health Facilities
3 Planning Act with respect to the health services to be
4 provided at the facility;

5 (16) submits an application for designation as an FEC
6 in a manner and form prescribed by the Department by rule;
7 and

8 (17) pays the annual license fee as determined by the
9 Department by rule.

10 (a-5) Notwithstanding any other provision of this Section,
11 the Department may issue an annual FEC license to a facility
12 that is located in a county that does not have a licensed
13 general acute care hospital if the facility's application for a
14 permit from the Illinois Health Facilities Planning Board has
15 been deemed complete by the Department of Public Health by
16 January 1, 2014 and if the facility complies with the
17 requirements set forth in paragraphs (1) through (17) of
18 subsection (a).

19 (a-10) Notwithstanding any other provision of this
20 Section, the Department may issue an annual FEC license to a
21 facility if the facility has, by January 1, 2014, filed a
22 letter of intent to establish an FEC and if the facility
23 complies with the requirements set forth in paragraphs (1)
24 through (17) of subsection (a).

25 (a-15) Notwithstanding any other provision of this
26 Section, the Department shall issue an annual FEC license to a

1 facility located within a municipality with a population in
2 excess of 1,000,000 inhabitants if the facility: (i) has,
3 within 60 days after the effective date of this amendatory Act
4 of the 99th General Assembly, filed a letter of intent to
5 establish an FEC; (ii) has received a certificate of need from
6 the Health Facilities and Services Review Board; and (iii)
7 complies with all requirements set forth in paragraphs (3)
8 through (17) of subsection (a) of this Section and all
9 applicable administrative rules. Any FEC located in a
10 municipality with a population in excess of 1,000,000
11 inhabitants shall not be required to be wholly owned or
12 controlled by an Associate Hospital or Resource Hospital;
13 however, all patients needing emergent or urgent evaluation or
14 treatment beyond the FEC's ability shall be expeditiously
15 transferred to the closest appropriate health care facility
16 based on the patient's acuity and needs. The FEC shall have a
17 transfer agreement in place with at least one acute care
18 hospital in the FEC's service area within 30 minutes travel
19 time of the FEC. The medical director of the FEC shall have
20 full admitting privileges at a hospital with which the FEC has
21 a transfer agreement and shall agree in writing to assume
22 responsibility for all FEC patients requiring follow-up care in
23 accordance with the transfer agreement. For an FEC established
24 under this subsection (a-15), the facility shall have the
25 authority to create up to 10 observation beds as further
26 defined by rule. The Department shall issue no more than one

1 such license in a municipality with a population in excess of
2 1,000,000 inhabitants and shall give consideration to
3 underserved areas, particularly those that have recently lost
4 access to emergency care through the loss of an emergency care
5 provider. An FEC qualifying under this subsection (a-15) shall
6 fully participate with and function within a Department
7 approved local EMS System.

8 (a-20) Notwithstanding any other provision of this
9 Section, the Department shall issue an annual FEC license to a
10 facility if the facility: (i) is located in a municipality that
11 had a hospital that discontinued operation as a hospital within
12 180 days of the effective date of this amendatory Act of the
13 99th General Assembly; (ii) has an application for a permit to
14 establish an FEC from the Health Facilities and Services Review
15 Board that is deemed complete by January 1, 2017; and (iii)
16 complies with the requirements set forth in paragraphs (1)
17 through (17) of subsection (a).

18 (b) The Department shall:

19 (1) annually inspect facilities of initial FEC
20 applicants and licensed FECs, and issue annual licenses to
21 or annually relicense FECs that satisfy the Department's
22 licensure requirements as set forth in subsection (a);

23 (2) suspend, revoke, refuse to issue, or refuse to
24 renew the license of any FEC, after notice and an
25 opportunity for a hearing, when the Department finds that
26 the FEC has failed to comply with the standards and

1 requirements of the Act or rules adopted by the Department
2 under the Act;

3 (3) issue an Emergency Suspension Order for any FEC
4 when the Director or his or her designee has determined
5 that the continued operation of the FEC poses an immediate
6 and serious danger to the public health, safety, and
7 welfare. An opportunity for a hearing shall be promptly
8 initiated after an Emergency Suspension Order has been
9 issued; and

10 (4) adopt rules as needed to implement this Section.

11 (Source: P.A. 96-23, eff. 6-30-09; 96-31, eff. 6-30-09; 96-883,
12 eff. 3-1-10; 96-1000, eff. 7-2-10; 97-333, eff. 8-12-11;
13 97-1112, eff. 8-27-12.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."